

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA, §
§
Plaintiff, §
§
v. § CASE NO. 7:19-CV-250
§
72.260 ACRES OF LAND, MORE OR §
LESS, SITUATE IN HIDALGO COUNTY, §
STATE OF TEXAS; AND FRIENDS OF §
WILDLIFE CORRIDOR, A TEXAS §
NONPROFIT CORPORATION, §
§
Defendants. §

JOINT STATUS UPDATE

The parties file this Joint Status Report, in response to the District Court's October 15, 2019 Order¹ and in preparation of the status conference scheduled for February 25, 2020, and inform the Court as follows:

1. On July 23, 2019, Plaintiff filed a Complaint in Condemnation² and Declaration of Taking³ pursuant to 40 U.S.C. §§ 3113 and 3114 for the taking of a temporary easement to enter in, on, over, and across Defendants' real property located in Hidalgo County, Texas.
2. Defendants filed an Answer⁴ to the Complaint on August 21, 2019.
3. An Order for Conference⁵ was issued and an Initial Pretrial and Scheduling Conference was set for October 16, 2019.

¹ Dkt. No. 15.

² Dkt. No. 1

³ Dkt. No. 3

⁴ Dkt. No. 8

⁵ Dkt. No. 4

4. On October 15, 2019, the Court issued an Order⁶ setting deadlines and canceling the Initial Pretrial Conference. As part of this Order the Court set a deadline of January 10, 2020, to file any Motions for Possession.

5. The United States, however, had filed an Opposed Motion for Order of Immediate Possession⁷ on October 10, 2019, and Defendants filed its Response⁸ to the motion for possession on October 15, 2019.

6. On December 19, 2019, the United States filed an Opposed Motion for Expedited Hearing on the Opposed Motion for Order of Immediate Possession.⁹

7. On December 30, 2019 the Court issued an Order¹⁰ in response to the United States' motion for hearing and granted the motion for possession and a motion to correct Schedule A, while denying the motion for expedited hearing. The Order granted possession to the United States under terms specified¹¹ therein and also ordered the United States to provide 72-hour notice before entering.

8. Attorneys for all parties have conferred and discussed the matter of just compensation for the Right of Entry; however, the parties have not been able to reach an agreement.

9. The United States filed its brief on just compensation on January 28, 2020.¹²

10. Given that possession has been granted, the only matter pending before the Court is the amount of just compensation to which the landowner is entitled.

⁶ Dkt. No. 15.

⁷ Dkt. No. 13

⁸ Dkt. No. 14

⁹ Dkt. No. 16.

¹⁰ Dkt. No. 17

¹¹ Dkt. No. 17 at 12-13

¹² Dkt. No. 19

11. Thus, the parties request the status conference scheduled for February 25, 2020, at 9:00 a.m. continue as a scheduling conference.

Respectfully submitted,

THE MOORE LAW FIRM
4900 North 10th Street, Suite F-3
McAllen, Texas 78504
Telephone: (956) 631-0745
Telecopier: (888) 266-0971
Email:lit-docket@moore-firm.com;
paul@gaytanlaw.com

By: *s/J Paul Gaytan (with permission)*
Paul Gaytan
State Bar No. 24007233
Southern District Bar No. 23940
Attorney for Defendant

By: *s/J Jimmy A. Rodriguez*
JIMMY A. RODRIGUEZ
Assistant United States Attorney
Southern District of Texas
Texas Bar No. 24037378
Federal ID No. 572175
1000 Louisiana, Suite 2300
Houston, Texas 77002
Tel: (713) 567-9532
Fax: (713) 718-3303
E-mail: jimmy.rodriguez2@usdoj.gov
Attorney-in-Charge for Plaintiff

HILDA M. GARCIA CONCEPCION
Assistant United States Attorney
Southern District of Texas No.3399716
Puerto Rico Bar No. 15494
1701 W. Bus. Highway 83, Suite 600
McAllen, TX 78501
Telephone: (956) 618-8004
Facsimile: (956) 618-8016
E-mail: Hilda.Garcia.Concepcion@usdoj.gov

CERTIFICATE OF SERVICE

I certify that on January 31, 2020, a copy of the foregoing was electronically filed in the CM/ECF system, which will automatically serve a Notice of Electronic Filing on counsel of record.

By: *s/Jimmy A. Rodriguez*
JIMMY A. RODRIGUEZ
Assistant United States Attorney